IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.576 of 2008
MD. ALIMUDDIN ….Petitioner
Versus
1. STATE OF BIHAR
2. MD. MAZAHAR ALAM
3. MD. NASIMUDDIN
….Opposite parties.
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2. 5.12.2008. This revision has been preferred against the judgment of acquittal dated 29.2.2008 passed by Fast Track Court No. III, Purnea in Sessions Case No. 594 of 2003.

Heard learned counsel for the petitioner.

The submission of learned counsel for the petitioner is that actually no notice was served upon the petitioner who is the informant of the case and without examination of material witness the prosecution evidence was closed and the accused-opposite parties have been acquitted.

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Considered the submission of learned counsel for the petitioner and perused the impugned judgment.

On perusal of impugned judgment it appears that in course of the trial prosecution adduced altogether five witnesses. All the witnesses turned hostile and did not support the prosecution story. So far as the examination of the informant is concerned, apart from the duty of the court, it is also the duty of the prosecution to be vigilant in producing witnesses. In this case the notice had also been issued against the petitioner but inspite of that he did not turn of for giving evidence. The case is of the year 1996.

Thus, having regard to the facts and circumstances as well

as the grounds mentioned in the impugned judgment, this court is not inclined to interfere in the impugned judgment. Accordingly, this Revision application stands dismissed at the admission stage itself.

kanchan **(Ghanshyam Prasad, J.)**

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